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In re Application of	:	OFFICE OF PETITIONS
Nishiyama, et al.	:	
Application No. 10/090,476	:	ON PETITION
Filed: March 4, 2002	:	
Attorney Docket No. MATS:037	:	

This is a decision on the petition under 37 CFR 1.137(a), filed November 15, 2004 and supplemented on April 12, 2005, which has been treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is GRANTED.

This application became abandoned for failure to timely file a proper reply to the final Office action mailed April 9, 2003. Accordingly, this application became abandoned on July 10, 2003. A Notice of Abandonment was mailed on March 15, 2004.


Petitioner asserts that a proper response was, in fact, timely filed in response to the final Office action in the form of an Request for Continued Examination (RCE) and an amendment with a request for a three (3) month extension of time on October 9, 2003. In support, petitioner has submitted a copy of the originally filed RCE and amendment with the request for a three (3) month extension of time. The RCE and amendment with the request for a three (3) month extension of time contain an executed Certificate of Mailing under 37 CFR 1.8 dated October 9, 2003.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

A petition fee has not been charged.

The file is being forwarded to Technology Center 2800 for review and processing of the RCE, originally filed October 9, 2003, in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in black ink, appearing to read 'Ed T', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office